

Before the
Administrative Hearing Commission
State of Missouri



_____)
(Name of Employee))
)
Petitioner,)
)
vs.)
)
)
)
)
)
_____)
(Name of Appointing Authority,)
Department and Division, Address),)
)
Respondent.)

COMPLAINT
(Under §§ 36.390.5 and 621.075, RSMo)

Petitioner _____ (name) appeals the disciplinary action
taken by Respondent _____ (name) and states:

1. The effective date of the disciplinary action I am appealing was _____.
2. Under § 36.390.5, RSMo, any regular employee who is dismissed or involuntarily demoted for cause, or suspended for more than five working days, may appeal to this Commission within 30 days of the effective date of the discipline, if the employee claims that the

dismissal, suspension, or demotion was for political, religious, or racial reasons, or not for the good of the service. Certain employment actions may also be appealed to this Commission if the employee claims the employment action violated § 105.055, RSMo, the “whistleblower law.”

3. The disciplinary action I am appealing is (check one):

☐ Demotion;

☐ Suspension of more than five working days;

☐ Dismissal; or

☐ Other, per § 105.055, RSMo (explain what the action was) _____

_____.

4. I received ____ did not receive ____ a written explanation from the Respondent, of the Respondent’s reasons for the disciplinary action. (If you received any written explanation, such as a dismissal, demotion, or suspension letter, you must attach a copy of it to this complaint.)

5. The Respondent’s explanation for the disciplinary action taken against me was that (provide detail, or indicate “see attachment”):

6. I disagree with the Respondent’s reasons for the disciplinary action taken against me because (provide detail):

7. I believe the disciplinary action checked in #3 above was taken for one or more of the following reasons (you must check at least one reason and you may check more than one; provide detail):

() Political reasons, because _____

_____;

() Religious reasons, because _____

_____;

() Racial reasons, because _____

_____;

() Not for the good of the service, because _____

_____;

() Protected disclosure of information, per § 105.055, because _____

_____.

8. I have the right to hire an attorney at my own expense, to represent me in this case.

I will ___ will not ___ hire one.

9. I have the right under § 621.075.2 to allow this case, including the hearing and the record, to be open to the public, or closed to the public. I request that this case be open ____ or closed ____.

10. Please set a pre-hearing conference so we may discuss the procedural issues and time frame necessary for the resolution and adjudication of my petition.

11. I understand that by filing this petition I am subjecting myself to the jurisdiction of this Commission; that this Commission has procedures and rules codified in Chapters 536 and 621 of the Missouri Revised Statutes, and 1 CSR 15-3.200 through .580 of the Missouri Code of State Regulations; that I must abide by those procedures and rules; and that this Commission may enter such orders and decisions as are authorized by law.

Request for Relief

12. I ask this Commission to reverse the disciplinary action; make a determination that I am eligible to seek back pay, if appropriate, pursuant to § 621.075.3 in a separate action before this Commission; and order other relief, if appropriate, pursuant to § 105.055.

WHEREFORE, Petitioner asks this Commission to hear and decide the issues, and to make findings of fact and conclusions of law favorable to Petitioner based on substantial and competent evidence.

Date: _____

Employee signature

Street address

City, State, Zip

Phone number

Facsimile number

E-mail address

(After this page, add any attachments)